

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION**

**IN RE SOUTHEASTERN MILK
ANTITRUST LITIGATION**

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Master File No. 2:08-MD-1000

THIS DOCUMENT RELATES TO:

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Judge J. Ronnie Greer

*Sweetwater Valley Farm, Inc., et al. v.
Dean Foods, et al., No. 2:07-CV-208*

[PROPOSED] ORDER

Upon consideration of Nathan Roth's letters requesting that the Court allow Mr. Roth to participate in the class action settlements with the Dairy Farmers of America Defendants (*see* 8/8/13 Roth Ltr., Dkt. 1963; 9/24/13 Roth Ltr., Dkt. 1967):

WHEREAS this Court has jurisdiction over all proceedings related to the implementation, interpretation, administration, consummation, and enforcement of the terms of the settlement with the Dairy Farmers of America Defendants, and the administration of claims submitted by settlement class members pursuant to Fed. R. Civ. P. 23;

WHEREAS the Court has reviewed the letters submitted by Mr. Roth and the supplemental response submitted by the DFA Plaintiffs; and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

Mr. Roth's request to participate in the settlement with the Dairy Farmers of America Defendants is denied. The previously Court excluded members of the SMA and DFA boards of directors from the Class at the request of counsel for SMA and DFA. *See* 1/19/11 Order at 14, Dkt. 1955. The Court also previously determined that alternate members of the SMA and DFA boards of directors are excluded from the Class certified and not eligible to participate in the

settlements. *See* 8/22/13 Order at ¶ 8, Dkt. 1964. Mr. Roth has provided no basis for reversing this Order, as he has not shown any change of law, new evidence, or clear error. In addition, Mr. Roth's objections to his ineligibility to participate in the settlement with the Dairy Farmers of America Defendants, dated August 8 and September 13, 2013, are untimely because the deadline for all objections to the settlement was March 20, 2013. *See* 1/22/13 Order at ¶ 8, Dkt. 1923; see also 4 *Newberg on Class Actions* § 11:56 (objections must comply with "the objection procedure").

So ordered.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE